

Human Events *A Weekly Analysis for the American Citizen*

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VENGEANCE, NOT JUSTICE

by William Henry Chamberlin

With the recent conviction of nineteen out of twenty-one defendants the thirteenth and last of a series of so-called war crimes trials, held with American participation or under American auspices in Germany, has come to an end. As a result of these trials 1539 persons were found guilty and 444 were condemned to death. Most of these sentences have been executed; some have been commuted; a few are still pending.

The cost of these unprecedented trials to United States taxpayers is estimated at from nine to twelve million dollars. The cost in the sacrifice of basic ideals of equity, legality and sound international relations is immeasurable. For these trials were not, as Supreme Court Justice Robert H. Jackson and others have asserted, a vindication of eternal principles of law and morality.

On the contrary, the whole organization and procedure of these trials represents a negation of some of the most essential elements in the Anglo-Saxon conception of the rule of law. Senator Taft put his finger on a fundamental defect when he said recently:

"My objection to the Nuremberg trials was that, while clothed with the forms of justice, they were in fact an instrument of government policy, determined months before at Teheran and Yalta."

Other points of criticism, which future objective historians and legal commentators are not likely to overlook, may be briefly summarized as follows:

(1) There was no pretense of equal responsibility before the law. Only Germans were punished, in many cases for actions which were also committed by some or all of the victorious Powers. Yet what distinguishes a genuine court of justice from a lynching mob is the observance of the principle that law is applied universally and objectively.

(2) The very important principle that judges and juries should have no personal interest or prejudice in the cases they conduct was not and could not be observed in a trial of vanquished by victors.

(3) This defect of the trials was aggravated by the excessive participation of American citizens of very recent origin -- German political and racial refugees who in some cases were animated by an altogether understandable desire for revenge.

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(4) The conduct of at least some of the trials was vitiated by the extortion of confessions by methods of extreme brutality and deceit.

(5) Like many other developments of the Twentieth Century these trials of vanquished by victors represent retrogression, not progress. They recall the practices of twenty centuries ago, when captured rulers were strangled after being led in Roman triumphs. They are more likely to promote wars of extermination than to serve as war deterrents.

(6) The trials set dangerous precedents and violated such known principles of national and international law as the rule that there can be no ex post facto punishments. Among the precedents are the holding of military and civilian officials responsible for carrying out the orders of their superiors.

Under this precedent every military or naval officer who takes part in framing war plans may be indicted as a promoter of aggressive war -- if his country is on the losing side.

II

These considerations hold good quite irrespective of the fact that acts of horrible cruelty were committed by the Nazis before and during the war and that many of those who suffered death or imprisonment in the war trials are entitled to no sympathy on the basis of their records. The real case against the war trials is not what they did to some fifteen hundred Germans, but the serious injury they inflicted on Western standards of impartial justice and moral consistency.

One of the counts in the indictment against the Nazi leaders at Nuremberg was the planning and waging of wars of aggression. It is now a matter of public historical record, and was well known at the time of the Nuremberg proceedings, that the German attack on Poland on September 1, 1939, closely followed a secret agreement with the Soviet Union dividing a large part of Eastern Europe between the two Powers. In accordance with this treaty the Soviet Union invaded, annexed and oppressed the eastern half of Poland, and later overran the three independent Baltic republics, Latvia, Lithuania and Estonia.

If the punishment of aggressive war was the purpose of the Nuremberg tribunal, then the place of the Soviet representatives was in the dock with the accused, not on the bench with the judges. In view of the markedly different treatment meted out to Nazi aggression and to Soviet aggression, it seems a reasonable deduction that the Germans were punished not for waging aggressive war, but for losing it.

Many moral inconsistencies and legal non sequiturs of the Nuremberg judgment are pointed out in Montgomery Belgion's excellent work,

Victors' Justice (now available in an American edition, Henry Regnery Company, Hinsdale, Illinois). One is especially worth noting. This is the verdict in the case of Admiral Karl Doenitz. The tribunal stated:

"In view of all the facts proved and in particular of an order of the British Admiralty announced on 8 May, 1940, according to which all vessels should be sunk at sight in the Skaggerak, and the answers to interrogatories by Admiral Nimitz stating that unrestricted submarine warfare was carried on in the Pacific Ocean by the United States from the first day that nation entered the war, the sentence on Doenitz is not assessed on the ground of his breaches of the international law of submarine warfare."

The implications of this ruling are breathtaking. A German naval commander was granted immunity if he committed only breaches of international agreements about submarine warfare which had been consistently practiced by the Americans and the British!

However, this principle was not observed in many of the war crimes judgments. For, apart from the maniacal extermination of the Jews, almost every Nazi war crime was committed by all or some of the victorious Powers. This is true as regards forcible annexation of foreign territory, launching of aggressive war, rape, looting and other excesses committed against civilians, mass uprooting and expulsions, large-scale exploitation of war prisoners for slave labor. Such actions are either criminal, regardless of who commits them, or they are not. The war crimes tribunals meted out punishment only to Germans.

III

The moral value of the war crimes trials was further nullified by the methods often used to extract confessions. Most notorious and unsavory was the third degree treatment applied to the defendants in the Malmedy trial, a large group of German soldiers charged with killing American prisoners during the Battle of the Bulge.

An Army commission, headed by Justice Gordon Simpson of the Texas Supreme Court, investigated this matter recently and came to the conclusion that "highly questionable methods which cannot be condoned" were used in obtaining the "evidence" and "confessions" on which the Malmedy verdicts were based. Judge Edward L. Van Roden, a member of the commission, spelled out these methods as: beatings and brutal kickings; knocking out teeth and breaking jaws; mock trials; solitary confinement; posturing as priests; very limited rations; promises of acquittal.

Colonel Willis M. Everett, an American officer in the two world wars, appointed counsel for the defendants, submitted a long affidavit

to the Supreme Court which contains the following statement, among many other allegations of torture and improper pressure:

"The American prosecutors would make many threats of violence and torture directed toward the mothers, fathers, sisters, wives and children of various accused unless they signed complete dictated confessions of acts and deeds never committed by them, and acts and deeds of other accused never witnessed by them."

Methods frequently employed by investigators in the war crimes trials may be judged from the stenographic record of the interrogation of Dr. Friedrich Gauss, former legal expert of the German Foreign Office, by Robert Kempner, former official of the Prussian Government, now an American citizen. Trying to extort a confession, it was hinted by Kempner that if Gauss did not say what the prosecution desired he would be handed over to the Russians. The following expressions were also used in the examination of Dr. Gauss:

"You must think it over. . . . You know the old German law -- Mitgefangen-mitgehangen [Captured together -- hanged together] . . . If I had to save my neck I would commit any kind of perjury. You must help us to clarify the matter."

IV

The war crimes trials were as politically inexpedient as they were lacking in consideration for basic principles of law and equity. Cold-blooded reprisals inflicted by victors on vanquished, after hostilities are ended, leave a far more rankling sense of resentment than ruthless acts in the heat of combat. There seemed to be a concerted effort in the trials, whether by accident or design, to "get" representatives of German groups who were most opposed to Communism, notably businessmen.

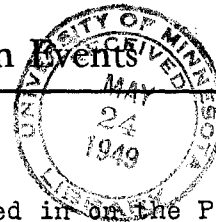
The most hopeful redeeming feature of this ill-judged experiment in one-sided vengeance, masquerading under the forms of justice, was the outspoken courage of those Americans who risked abuse and misrepresentation by speaking out vigorously on the issues of principle involved.

Honorable mention should go to Colonel Everett, to Judge van Roden and to Judge Charles F. Wennerstrum, of the Iowa Supreme Court. After sitting on a trial of German generals Judge Wennerstrum sharply criticized the spirit and methods of the prosecution and summed up the whole case against the war trials when he remarked that "the victor in any war is not the best judge of war crime guilt".

Such individual criticism would not have been possible, or at least would not have been heard, under totalitarian regimes. The best policy now would be to wind up this "victors' justice" as quickly as possible, to redress immediately the grossly unjust sentences, to leave to the new West German State a wide latitude in reviewing sentences, and to hope -- against the probabilities -- that the precedent set will not aggravate the ferocity of the next war -- should such a catastrophe occur.

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By Frank C. Hanighen



May 18, 1949

CHRISTIAN UNITY: Princess Margaret Rose of Britain dropped in on the Pope in Rome last week. Well, the call was not quite as casual as all that. We learn that the British cabinet debated the matter for some time before Premier Attlee approved a visit to which no little significance has been attributed in diplomatic circles. The Princess' call takes on greater importance in view of a much more important episode involving the Vatican, when Attlee took a quite different attitude. To date this story has never been reported in the press. We offer the following version, received from highly reliable sources.

A year ago, Protestant leaders were preparing for the meeting of the World Council of Churches which took place August 21-28 in Amsterdam. Before the plans were well under way, Mr. Myron Taylor (President Truman's representative in Vatican City) set forth on a mission, to which Mr. Truman gave his personal, hearty support. It was an ambitious one -- to include official Vatican observers in the Amsterdam conference. Taylor bore assurances from Vatican City that the Holy See would send such observers, if the Protestant leaders would invite them. Mr. Taylor, who knows his history, was spurred by the realization that such an event -- official Roman Catholic observers at a Protestant conference -- would be unprecedented since the days of the Reformation.

The American envoy first conferred with the head of the French Protestants, Pastor Marc Boergner. But the Pastor flatly rejected the Taylor proposal, recalling (with some bitterness) that a number of his ancestors perished at the hands of Catholics in the wars of religion in the Sixteenth Century. Then the American envoy had a less discouraging talk with the Archbishop of Canterbury, who raised no objection, but remained cautious. The Archbishop's hesitation proved not unjustified, for Premier Attlee summarily turned down the Taylor idea, and with some show of anger. The cry of "No Popery" apparently still carried weight with the British Prime Minister, whose opposition effectively ended the Taylor mission. As an epilogue, Mr. Truman wrote a sorrowful letter to the Pope, expressing disappointment at the failure of this attempt to promote Christian unity in the face of the rising menace of Communism. But great efforts like this, even when thwarted, often are followed by reconsideration on the part of those blocking them. And something like this seems to have happened in the case of the well-planned visit of Princess Margaret Rose to the Holy Father.

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BARKLEY: In Congressional corridors there is no little comment on Vice-President Barkley's activities on the lecture platform. Mr. Barkley is well-liked among Members of Congress, but his rather full speaking schedule at places here and there outside Washington has begun to attract some critical attention. Not that he says anything very startling; his amiable bellowings on a platform offend few. But -- it is asked -- aren't these forensic exertions detracting from his duties as presiding officer of the Senate, and as a ceremonial figure of the United States Government? For instance, this week the Vice-President declined an invitation to join with President Truman in paying honor to visiting President Dutra of Brazil at an official dinner. His excuse was, "speaking engagement". The dinner is more than an item in protocol; it is important for maintaining close relations with a Power known as our most faithful friend in this hemisphere. Mr. Barkley's regrets were not received in a too sympathetic way by Brazilians. The question is raised: What is the system of priority used in editing the Vice-President's date book?

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Also, some Members of Congress are privately wondering what financial remuneration Mr. Barkley receives for these "speaking engagements". It is known that he received a check, an "honorarium", of \$2,500 for an address he gave the day before Inauguration to a meeting of the Institute of Scrap Iron and Steel in Cincinnati. Has he continued to receive honorariums since Inauguration? There are those in Congressional cloakrooms who say that he gets \$1,000 per lecture, and expenses. Some persons may retort -- why shouldn't he? But we have found no Members of Congress who shrug off the matter in this way. Even among those who personally like him, there are rather tart remarks about the Vice-President. Is it -- they ask -- in the best of taste for the second officer of the Republic not only to engage in such activities, but to receive pay for them?

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LABOR LAW: It is the view of some political observers that this session of Congress will close without any new Labor legislation on the books, and the Taft-Hartley law still in force. Those who uphold this thesis rhetorically ask: Who really wants a new Labor law? And they answer: Certainly not the President. Mr. Truman last week wrote to Mr. A. F. Whitney, railroad union leader, that it would be better to go down fighting for the Truman Labor measure which obviously has no chance in this Congress. Observers are now coming around to the idea that Truman would rather have the Taft-Hartley bill continue to be the law of the land than to see passage of a compromise bill because Taft-Hartley provides a good target for demagogic oratory. It's a political asset.

The thesis of "no-Labor-law-this-session" also derives strength from the picture on the Hill. A large number of Members of Congress in both Houses would be well content to let a compromise measure fail and keep the Taft-Hartley Act. True, some Northern Republicans want to get rid of the rubric "Taft-Hartley" and to throw a sop to Labor leaders, because of political situations in their own constituencies. But, many Southern Democrats pay little attention to such considerations and would prefer the present statute, title and all. And without these Southern Democrats, the pro-compromise element in Congress cannot prevail. Also, the labor union forces are too divided and demoralized to exert sufficient pressure for any Labor measure, compromise or not. Finally, if by some chance a compromise goes through both Houses there remains the probability that the President, in the spirit of his letter to Whitney, would veto it. All in all, it would be a rash prophet who would flatly predict a new Labor law emerging from the crazy cat's cradle of the 81st Congress.

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TRADE AND TARIFFS: Last week, we reported that the hoary issue of the tariff would assume new vigor in the Senate debate on the Reciprocal Trade Agreements. This week Senate Republicans gird themselves for a fight to modify the Administration's proposal for re-enactment of the trade bill. Also, we hear sounds from here and there indicating that highminded legislators are beginning to take a more terrestrial attitude towards tariff cuts which may adversely affect business in their constituencies. It is all very well nobly to support free trade, but when unemployment looms, that highly-prized guerdon -- the label "liberal" -- has fewer aspirants. This tendency is sporadic at present and it may be many months before it becomes a strong movement. What does assume importance today is a rapidly increasing realization that the tariff is not the sole villain in the international trade drama.

For some time public leaders like Senator Taft have been irritated by the pundits who lay all emphasis on the necessity of tariff reduction and who slight other factors detrimental to free trade. Granted that tariffs should be lowered, the international trade situation would not thereby be bettered unless a number of other

reforms were accomplished. The irritation has grown as foreign governments declaim against American tariffs and urge reduction of American tariff schedules, while ignoring completely other factors. The other factors are export and import quotas, bi-lateral (instead of multilateral) trade pacts and inconvertibility of currencies. These are the real barriers to trade today. The U.S. has reduced tariffs, but foreign nations have done little to eliminate these obstacles. In short, criticism should be centered on these barriers rather than on our tariffs, for the tariff is but one weapon in the arsenal of economic nationalism.

It is interesting to find a powerful international organization speaking out frankly about the European trade situation. The United Nations Economic Commission for Europe in Geneva on May 6 issued a report warning that national economic planning is driving Europe towards increasing economic autarky. "For nearly every important group of industrial commodities", says the New York Times dispatch on the report (May 7), "the Western European countries are planning to import less proportionately than before the war and to produce more at home." The Times also makes the following striking statement: "It is implicit in the data assembled by the ECA that the Marshall Plan has so far had as its principal long-run effect the encouragement in Europe of this nationalistic trend." In other words, ECA is leading to autarky, although one big argument in its behalf before Congress was that it would lead to free trade. This is a point which will deserve attention not only in debate on the trade question, but also in the hearings on ECA appropriations.

The tide of criticism continues to mount. On May 15, the New York Times reported a "pointed request" from the International Chamber of Commerce to the ECA to "get on with the business of planning an integrated economic program for Europe". The Times also reported that American administrators have commenced to warn the ECA that U.S. funds might be withheld unless ECA gets down to business and reduces the real trade barriers in Europe.

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BORCHARD: "This will probably be the last editorial I shall write for the American Journal of International Law", says Dr. Edwin Borchard of the Yale Law School, in the current (April) number of the Journal. "It is my valedictory, so to speak. That I am not in sympathy with the aims and procedure adopted by this Government is apparent to all readers. It will be more novel to learn that John Bassett Moore in at least three places in his forthcoming memoirs characterizes the policy of this Government -- if it can be called a policy -- as 'insane'. That means more for the reader than an ordinary invective. The ordinary reader must know that John Bassett Moore was a man of great moderation who used strong words but rarely. His opinion on a question of international law or policy is rated among the highest in this country. No one was more familiar with our history than he was. . . .

"A war with Russia must be prevented in the interests of the United States. While no one knows when a government becomes bankrupt, it is a certainty that large sums must be appropriated to this purpose. Even if it could be asserted that the United States would be a victor in that war, it would not convince the ordinary man that Communism is a disappointment and failure. We would undoubtedly spoil the Russian experiment and we might ourselves find the American experiment unworkable. That would be an unfortunate result, but, it will probably be agreed, this existing civilization cannot stand another war without revolutionizing its basic principles. It is unfortunate that the United States no longer has a free hand, which is all that isolationism has ever meant. The eight volumes of Moore's Digest of International Law are a standing refutation that there ever existed isolationism in the Hull sense of that word. To follow up our intervention by a treaty of alliance with five countries or more is to place American intervention in the hands of other people -- a policy that can hardly be regarded as useful to us."

Book Events

The Power in the People, by Felix Morley. New York: D. Van Nostrand Company, Inc.
\$3.50. Reviewed by Huntington Cairns.

Mr. Morley's volume is an important attempt to develop a valid interpretation of the idea of liberty. In the American tradition the notion of liberty has undergone, from time to time, radical transformations in its meaning. It is also, in the contemporary world, very much under attack by theorists of all shades of political opinion. Mr. Morley's book is particularly welcome since he is the first American to study the problem at the level to which recent European thinkers have raised it.

The whole effort of Mr. Morley's book is to discover whether the idea of liberty can be given a positive content, whether, in other words, it means something more than the negative doctrine of Mill; that is to say, an absence of restraints. Bentham's doctrine of legislative supremacy led in practice to excesses against the individual which were intolerable. The type of arbitrary democracy that R. H. Dana found in California under Mexican rule in the 1830s, where there was no common law, nothing properly called a judiciary, and where the laws were made and unmade at the caprice of the legislature, was Benthamism carried out to the letter. Mill's answer to the felicific calculus was to add the notion of quality to that of quantity. Pleasures are not all alike, and the individual must be the final judge of those which he wishes to attain; power should be exercised over the individual only to prevent harm to others. But Mill's answer was not a solution to the problem of the relation of the individual to the community. The Nineteenth Century quickly saw that it was an answer that overstated the claims of the individual; it denied the claims of the community in the fields of public health and education, and it ignored altogether the impact of industrialism on the structure of modern Society.

Mr. Morley's own answer takes its departure in an attempted distinction between the idea of "freedom" and the idea of "liberty". In the verbal context I think myself that the distinction is in contempt of the Oxford English Dictionary. There is no question, however, that the substance of Mr. Morley's thought is of great significance. Mr. Morley's conception is altogether his own, as his patient construction of it makes abundantly clear; but like most other sound ideas it has a respectable lineage. It is the root idea, as Graham Wallas tried to show a generation ago, of the Periclean conception of liberty; it is the heart of the Puritan doctrine; it was the idea behind Green's theory that the function of government was to maintain conditions that would allow for the disinterested performance of self-imposed duties. The Twentieth Century answer to Mill has been the doctrine of social control, which is a return to Benthamite legislative rule, but extended to embrace the administrative process. Historically Mr. Morley is therefore a Mill returned to save us from the catastrophe of power in the hands of a bureaucratic elite.

Mr. Morley has no vital quarrel with Mill's negative doctrine of freedom from restraints insofar as it is confined to fields where it may legitimately operate. His position, if anything, is weighted on the side of the individual as against the community. At the same time, he insists that the theory of liberty must have a positive meaning if it is to meet the totalitarianism implicit in the idea of social control. He therefore proposes that liberty on its positive side is a moral and intellectual effort which requires discipline, courage, submission to law, wisdom, and therefore reason. It demands positive action to maintain it. At bottom it is the good life, and it requires therefore the environment of the good Society.

Mr. Morley develops this idea in all its ramifications, from the nature of the American Republic at one end to the place of minority rights at the other. His book is the fullest and most acute statement that we possess of perhaps the most significant single idea in the legacy of Greece to the contemporary world.

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By Bertrand de Jouvenel

May 18, 1949

CURRENCIES AND CONVERTIBILITY: Europe is buzzing with the subject of currency devaluation. The topic has been thrust on us by pointed suggestions made to our officials by the American authorities. The American view is, it seems, that some European currencies are overvalued in relation to the dollar and that this fact hinders Europe's progress towards even partial equilibrium in our trading relations with the dollar area.

Europe's continuing inability to offset her imports from the dollar area can no longer be explained merely in terms of her physical wounds impairing productive facilities. The Economic Commission for Europe (a part of the United Nations progeny boarded out at Geneva) has just published a positively glowing picture of European recovery. In almost every country production has risen above the 1938 level and in some has attained the 1929 level. (The statisticians of France have just acclaimed this achievement in their own country, where production for March was 2 per cent above the 1929 level.) Everywhere, now, production of goods is on a scale to make their export possible. And in fact the countries of Europe are exporting; with England, whose volume of exports had risen to 62 per cent above that of 1938, before they slumped in April, leading the field. Only -- and here lies the trouble -- these exports are not taking the required direction; to dollarland.

The conclusion is that the adverse balance as between Europe and the dollar area is explicable in terms of artificial exchange rates, which both handicap the flow of European goods to dollar markets and encourage the importation of American goods to European markets. Long ago I urged the proposition that our foreign exchange controls, created to remedy an external deficit, would in fact result in perpetuating that deficit. When the European importer obtains dollars from his government more cheaply in terms of his own currency than he could obtain them in a free market, when he pays, for instance, twenty-five pounds sterling for a hundred dollars' worth of goods which should cost him thirty pounds, it must be concluded that the dollar value of the pound is artificially sustained. The exporter, on the other hand, is penalized when his government takes from him the dollars he earns and pays him in his national currency the official price for them -- a price far lower than that which those dollars would fetch in a free market. Take the case of France: On a "free, authorized" market the dollar fetches some 330 francs. But the French exporter receives from his government only 272 francs per dollar of sales.

Even Macaulay's schoolboy could understand that the marking up of one national currency as against all the others -- as was done in France and is only now being gradually corrected -- tends to encourage imports from all over the globe and to discourage exports to any and every foreign market. Yet the physical capacity of France to export is proved by the remarkable expansion of her sales to her overseas dependencies. These bring the tonnage of the total exports from metropolitan France up to well above the pre-war level.

If, on the other hand, the national currency is marked up only as against the dollar, as is the case with England, then the result is to stimulate imports from the dollar area, whereas exports will be diverted from that area to other markets which the exporter finds more remunerative. It is a vain hope that, under such conditions, licensing by government can succeed either in steering exports to the desirable, or dollar, destination, or in drawing imports from the desirable, or non-

dollar, suppliers. To buy in the softer and sell in the harder currencies -- that is the dream of every European government. But when every government, by lowering to its own consumers the prices of goods from hard currency countries, makes it more profitable to buy from them -- how can the dream escape from dreamland? And all the time the countries with the softer currencies, practicing what you practice, are lapping up your exports; for they, like you, go to buy where the buying is cheap. Thus we see how England buys unrequited imports from the dollar area and sells unrequited exports to the soft currency areas.

The arrangements made by the European Economic Co-operation Administration tend to but one result -- to consolidate the very situation which cries to high heaven for revision. In France this adjustment is in fact gradually occurring. But in England Sir Stafford Cripps declines with emphasis even to contemplate a devaluation of the pound. It is the English contention that imports from the dollar area to England have been so compressed by physical controls as to make the demand for them inelastic. Therefore, it is said, the only effect of increasing the value of the dollar in sterling would be to raise the price of imports from the dollar area -- an effect which would, by its immediate reaction on the cost of living, blow sky-high the laboriously frozen structure of wages and prices. And the arbitrary removal of all flexibility of any kind from the English system probably makes this conclusion correct.

Nothing, then, is left for the English but to hope that their own great and valiant effort to right their situation will not come undone through such a fall in world prices as will leave them in the doubtful enjoyment of a solitary high-price island. Such a fall would, of course, cheapen their imports, though this is a development which long-term buying arrangements must postpone. But it would also impede their exports and put Crippsian England, her export industries already over-inflated, back into the position obtaining after the Churchillian revaluation of the pound in 1925 -- a revaluation which has long been a shot in the Socialist locker.

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THE METAPHYSICS OF FOREIGN AID: The most ardent champions of devaluation would not claim that it would of itself achieve a balance, direct or indirect, in European transactions with the dollar area. That is a problem raising more points than can be dealt with here. But one question should be posed: Is it in fact desirable that such a balance should be achieved? The policy steadily urged on Europeans by ECA is to cut their imports from American sources, and to expand their exports both to the U.S.A. and to countries where they compete with American exports. The American generosity implied by this policy is so great that, in explaining it to European audiences, I have sometimes had difficulty in convincing them that it was all quite real. But now the Manchester Guardian, in a striking editorial in its issue of the 6th April, has set forth the full implications.

The success of the Marshall Plan, in the present conception of it, depends on two things: on European countries progressively cutting their imports from the U.S.A. at the rhythm set by their four-year plans, and on their expanding their exports to third countries, there to win the dollars wherewith to fill the gap remaining in their direct transactions with the U.S.A. But these dollars they can win only if the rest of the world is itself achieving a surplus in its transactions with the U.S.A. It is, in short, a plan to work down Europe's dollar gap and work up the rest of the world's dollar surplus -- ultimately, in fact, a plan to bring to nought the American export surplus. The Guardian asks, not unreasonably, whether such a policy, no matter how inspiring to everyone who is not an American, can be maintained in the face of an American recession. In an inflationary situation an export surplus was, as tending to inflation, undesirable. But, with unemployment

rising in the U.S.A., exports for hard cash must become desirable again, giving an internal injection of purchasing power which makes no addition to the surplusage of goods on offer.

Europeans therefore anticipate that a change of internal conditions in the States will have for result a reversal of ECA policy. This would then no longer tend toward making Europe "self-sufficient by 1952" and independent of aid, but rather to maintaining and increasing an American export surplus -- a policy which would necessitate a continuation of aid. If it so happened, there might be a bright side to Europe's failure to achieve what was the primary objective of the Marshall Plan. There are several European economists -- mainly of the Keynesian persuasion and therefore accustomed to seeing in an export surplus an alternative to "investment" in the task of maintaining full employment -- whose view is that the continuation of foreign aid may become a valuable weapon in the American internal armory for fighting cyclical fluctuations. Whether Americans themselves will reach a conclusion so consoling to their European beneficiaries is another matter.

In sum the point is this: that a time of sharp recession in American business could be just the moment when a prolongation of American gifts would be economically sagacious. Some few minds there are who would confer on this observation the dignity of an eternal truth. M. Jean Piel, for instance, contends that the U.S.A. cannot do without a permanent export surplus -- which it can only achieve by a corresponding outflow of American capital. But, he goes on, if these investments were profit-bearing, the outer world would then find itself saddled with an intolerable burden of foreign debt: therefore, the surplus must be a donatio perpetua. This argument, which contains to my mind more than one fallacy, receives a metaphysical baptism in a brilliant companion volume by George Bataille, where he maintains that a process of "overspill" is an inherent condition of vigorous growth. Every process of growth in nature, he maintains, uses up many more resources than are necessary for the growth itself -- a process which would be impeded if it did not spill by the wayside the surplus of materials it was unable to employ. This spilling is, therefore, defined as a condition of successful growth. The argument may be flattering to America, as it is obviously agreeable to Europeans.

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THE PARIS CONFERENCE: My readers will be curious to know what people are saying about the forthcoming "Big Four" Conference, and I have listened high and low with a view to reporting the opinions expressed. Unfortunately I have heard no opinion expressed. Outside the magic circle of professional diplomats and specialized journalists, nobody seems to take the slightest interest in this meeting, which the newspapers label "fateful", more one suspects from habit than from conviction. The general public has now taken to its bosom the formula -- first used, I believe, by Alexander Sachs -- "No Peace, no War". Having decided that in the short run there will be no war and having lost all expectation of agreement, it has also lost all interest in negotiations. The only area of foreign affairs in which at present the smallest interest is displayed is the fall of Shanghai -- a spectacular event featured largely and one which brings home to the West that it has met with a major disaster in the cold war, for at a stroke Communism has won a veritable continent. Pictures of Mao Tze-tung, standing in his open car to receive the applause of conquered multitudes, cannot but recall to the memory similar pictures of Hitler. But both Austria and Czechoslovakia were small beer compared with the conquest of China!

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THE COUNCIL OF EUROPE: Strasbourg is all agog with the news that the Council of Europe is to meet there in July. This creation of a European institution represents a great triumph for the United Europe and kindred movements. The point emphasized

is that a Parliament of Europe now comes into being; not, as some would have liked, a body elected by the peoples of Europe, but at least not a body made up, as was the League of Nations Assembly and as is the United Nations Assembly, entirely of governmental representatives. The deputies of Europe are to be taken from the national parliaments, with each party receiving a representation proportionate to its numbers. This point registered a victory over the marked reluctance of the British Labour Cabinet to grant such a promising platform to Mr. Churchill.

A time may well come when the members of the European Assembly will, as the representatives of their several peoples, proclaim themselves the deputies of the people of Europe and as such join issue with the national governments. Such a development has, however, been carefully guarded against, and the European Assembly is to be no more than a body for academic debate, lacking all powers and rights and shackled by rules of the tightest. But it is not always possible to shackle an assembly. To take an instance, all efforts to the contrary could not prevent the delegates of the Third Estate, in France of 1789, from proclaiming that they held themselves to be the Constituent Assembly of France. Such a development is even now not impossible -- though certainly at the moment it seems most unlikely.

Yet, strangely enough, in this their hour of triumph many ardent champions of "Europe" seem to have cooled off. And the reason for this change of temper is that "Europe" now seems to them a lesser reality than the "Atlantic community". The objections felt by the British to being involved in a body exclusive of the Dominions seem, all of a sudden, to be better understood than they ever were before. And simultaneously the notion of a "Europe" standing as a "third force" between the Soviet Empire and the United States has evaporated into the thinnest air. It is believed by many that, under the impact of Stalinian imperialism, the West is achieving awareness that it forms "a great Society", and that institutions in common should be based not on "Europe" but on "the West". To put it shortly, the ideas of Mr. Clarence Streit are rapidly gaining ground.

This is a trend which it would be a tempting historical analogy to call "Ghibelline". Through many centuries the West nourished the idea that it was in the normal nature of things to have one government for "the whole world", meaning thereby the whole of Christendom considered as "a great Society". This notion of a holy empire faded but slowly, and Dante, both in the De Monarchia and in the Inferno, was still its enthusiastic champion. The conception of a congeries of wholly independent Powers was a somewhat late growth. When it came, the old-fashioned were heard asking who there would be to keep the peace between them -- a question which has lost none of its point with the passage of the centuries. It is at least possible that the wheel has come full circle and that today's Utopia is merely an old conception in new dress. Indeed the history of civilizations seems to show that a "great Society" tends in the days of its maturity to crystallization into a single body politic. The question, already posed by HUMAN EVENTS, is whether the United States will not in time insist that the relatively impotent European States should be added to the American Federal Union.

The most unpromising feature of Western Europe is that each nation has psychologically fallen apart, with the industrial workers forming a distinct, and distrustful, society within Society. It is not true that, as Moscow would have it, "the people", "the masses", are in toto arraigned against the bourgeoisie, "the middle classes". It is true that the industrial workers, everywhere a minority, stand together. Where, as in England, they are numerous enough and have been faithful to a capable moderate leadership which has rallied to its politics other social factions, Labor is "in power". Where, as in France, the industrial workers are proportionately less numerous, and have been won over by the Communists who have alienated the other social fractions, they find themselves in isolation.

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